

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document has been entered electronically in the record of the United States Bankruptcy Court for the Northern District of Ohio.



A blue ink signature of Mary Ann Whipple, written in a cursive style.

Mary Ann Whipple
United States Bankruptcy Judge

Dated: May 17 2013

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In Re:)	Case No. 12-30938
)	
Brendon G. Rowe and)	Chapter 7
Angela L. Rowe,)	
)	
Debtors.)	JUDGE MARY ANN WHIPPLE

ORDER REGARDING MOTION TO REOPEN CASE

This case came before the court for hearing on Debtors' motion to reopen this Chapter 7 case and for leave to file a reaffirmation agreement ("Motion"). [Doc. # 27]. Debtors and their attorney appeared at the hearing in person. Debtors seek to reopen this case to file a Reaffirmation Agreement with Bank of America, reaffirming a mortgage debt secured by their home.

The Bankruptcy Code requires reaffirmation agreements to be entered into before a debtor's discharge. *See* 11 U.S.C. § 524(c)(1). And under Rule 4008(a) of the Federal Rules of Bankruptcy Procedure, reaffirmation agreements are to be filed "no later than 60 days after the first date set for the meeting of creditors under § 341(a) of the Code." *But see In re Parker*, 372 B.R. 835 (Bankr. W.D. Tex. 2007) (court holds that Rule 4008 conflicts with the statute and must be disregarded, so statutory deadline for filing a reaffirmation agreement is any time before discharge). The deadline for filing reaffirmation agreements in this case was July 3, 2012. However, Rule 4008(a) permits the time for filing reaffirmation agreements to be enlarged "at any time."

In this case, Debtors entered into the reaffirmation agreement with Bank of America before July 11, 2012, the date of their discharge. Although not timely filed, the court will grant Debtors' Motion and enlarge the time for filing the reaffirmation agreement conditioned on Debtors paying in full the \$245.00 filing fee to reopen.

THEREFORE, good cause appearing,

IT IS ORDERED that the Motion [Doc. # 27] be conditionally granted, with the condition that the \$245.00 filing fee to reopen be paid in full by **May 31, 2013**. If timely paid, the court will enter a separate order permitting the case to be reopened. If not timely paid, the Motion will be denied.

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